

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**JANE DOE,**

**Plaintiff,**

**v.**

**Civil Action No. 2:21-cv-00491  
Honorable Thomas E. Johnston**

**LARRY ALLEN CLAY, JR.,  
Individually as a member of the  
Gauley Bridge Police  
Department,**

**Defendant.**

**DEFENDANT LARRY ALLEN CLAY JR.'S RESPONSE TO PLAINTIFF'S MOTION  
FOR NEW SCHEDULING ORDER**

NOW COMES Defendant Larry A. Clay, Jr. and hereby responds to Plaintiff's *Motion for New Scheduling Order* as follows:

On December 26, 2023, the Plaintiff filed a *Motion for New Scheduling Order* (Doc. 88) citing the dismissal of her appeal of the dismissal of the Town of Gauley Bridge due to lack of appellate jurisdiction.

Previously, on August 24, 2022, Defendant Clay filed a *Motion to Stay All Civil Proceedings Pending Resolution of Criminal Proceedings* (Doc. 71). This Honorable Court issued a *Memorandum Opinion and Order* (Doc. 82) granting the motion on October 31, 2022.

On April 28, 2023, a jury returned a verdict of guilty on all counts against Larry Allen Clay, Jr. in the United States District Court for the Southern District of West Virginia. Mr. Clay's sentencing hearing is currently scheduled for January 31, 2024, at which time Mr. Clay may choose to appeal the verdict. To the extent that Mr. Clay has yet to be sentenced and appellate proceeding

have yet to commence, Mr. Clay's criminal case is not yet concluded. Accordingly, Larry Allen Clay, Jr. opposes the Plaintiff's motion to the extent it seeks any discovery or civil proceedings against him for the reasons set forth in his prior motion to stay and this Honorable Court's *Memorandum Opinion and Order* granting said motion.

Accordingly, Defendant Larry Allen Clay, Jr. respectfully requests that this Honorable Court deny Plaintiff's *Motion for New Scheduling Order* on this basis and any other relief deemed appropriate by the Court.

**LARRY ALLEN CLAY, JR.**  
**By Counsel**

/s/ Cy A. Hill, Jr.

**Cy A. Hill, Jr. (WVSB ID NO. 8816)**  
**Cipriani & Werner, P.C.**  
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**Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of January 2024, I served an exact and true copy of  
“*DEFENDANT LARRY ALLEN CLAY JR.’S RESPONSE TO PLAINTIFF’S MOTION FOR  
NEW SCHEDULING ORDER*” with the Clerk of the Court using the CM/ECF system, which  
will send notification of such filing to the following:

Stephen P. New, Esquire  
Emilie B. Wooldridge, Esquire  
STEPHEN NEW & ASSOCIATES  
430 Harper Park Drive  
Beckley, WV 25801  
*Counsel for Plaintiff*

/s/ Cy A. Hill, Jr.  
Cy A. Hill, Jr. (WVSB ID No. 8816)